

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

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BLACK LOVE RESISTS IN THE RUST, et al.,

Plaintiffs,

Case No. 1:18-cv-719

- vs -

CITY OF BUFFALO, N.Y., et al.,

Defendants.

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[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL

Upon consideration of Plaintiffs' Motion to Compel Defendants to Comply with the Court's May 30, 2019 Discovery Order and Other Discovery Obligations (ECF # 34), to which Defendants have submitted no responsive briefing, the Court HEREBY ORDERS that:

1. Plaintiffs' Motion to Compel is GRANTED;
2. Defendants shall comply with the Court's May 30, 2019 Discovery Order within fourteen days from the date of this Order. Specifically, Defendants shall provide Plaintiffs with Electronically Stored Information (ESI) responsive to Plaintiffs' twenty custodians and twenty search terms (provided to Defendants on June 5, 2019) within fourteen days from the date of this Order;
3. Within fourteen days from the date of this Order, Defendants shall provide Plaintiffs the Buffalo Police Department (BPD) Housing Unit, Traffic Unit, and Strike Force Monthly and Daily Statistics Reports from 2013 to the present, as requested in Plaintiffs' November 5, 2018 Requests for Production of Documents.;

4. Within fourteen days from the date of this Order, Defendants shall amend or supplement their Response to Plaintiffs' Interrogatory No. 1, which seeks "Employment History of Housing Unit and Strike Force Officers." Defendants shall provide the specific data requested by Plaintiffs, including the "dates of all positions held" by each person listed in the Response. Alternatively, Defendants may comply with this Order by providing to Plaintiffs, within fourteen days from the date of this Order, each and every BPD Special Order documenting (a) all transfers into the Strike Force and Housing Unit; and (b) all transfers for the period immediately following the dissolution of the Strike Force.
5. Because the Court has granted Plaintiffs' Motion to Compel, the Court further GRANTS Plaintiffs' request for reasonable expenses, including attorneys' fees associated with their Motion, as Defendants have set forth no reasons why their non-compliance was substantially justified, or that such an award would be unjust. *See* Fed. R. Civ. P. 37(a)(5)(A)(i)-(ii). Plaintiffs shall submit their application for reasonable expenses by thirty days from the date of this Order.

IT IS SO ORDERED.

Dated: _____

Hon. Christina Clair Reiss
United States District Judge